

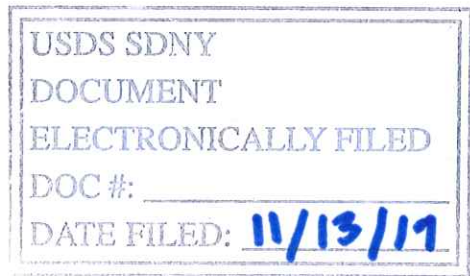
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

MARCO BATISTA,

Defendant.



11-cr-346 (RJS)
ORDER

RICHARD J. SULLIVAN, Circuit Judge:

Since the victim has not yet been contacted at his current address, IT IS HEREBY ORDERED THAT Defendant's resentencing proceeding is adjourned to December 5, 2019 at 10:30 a.m. in Courtroom 15A of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York. IT IS FURTHER ORDERED THAT, no later than December 2, 2019, the government shall file a letter updating the Court as to its efforts to contact the victim and whether the victim wishes to be heard. IT IS FURTHER ORDERED THAT the government's letter shall also address, with authority, why Count Two – kidnapping, in violation of 18 U.S.C. § 1201(a)(1) – is not a crime of violence under *United States v. Davis*, 139 S. Ct. 2319 (2019).

SO ORDERED.

Dated: November 13, 2019
New York, New York



RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation